

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.873 OF 2016

ORDER

This Civil Revision Petition under Article 227 of the Constitution calls in question the order dated 03.11.2015 passed by the learned Additional Senior Civil Judge, Tirupati in I.A.No.1087 of 2015 in O.S.No.34 of 2014. The petitioner is the defendant in the suit. He filed the subject I.A. under Section 45 of the Indian Evidence Act, 1872 to send the suit promissory note for comparison of the signature therein with the signatures in the vakalat and written statement filed by him. By the order under revision, the trial Court dismissed the I.A.

Perusal of the order under revision reflects that the trial Court was of the opinion that there was every likelihood of changing of the signatures of the petitioner/defendant and that no purpose would be served by subjecting such documents to comparison for the purpose of an expert opinion. This Court is in complete agreement with the reasoning of the trial Court. It was for the petitioner/defendant to produce an independent document, preferably in the range of three years from the date of the suit promissory note for procuring an expert opinion from a handwriting expert. The vakalat and written statement are not documents which can be used for this purpose ordinarily as it is very much possible that the petitioner/defendant would have altered his signatures therein being fully aware of the signature in the suit promissory note.

The order under revision therefore does not warrant interference on any ground. The C.R.P. is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

30th MARCH, 2016

PGS